

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2423 OF 2005

Mr.T.A.Sehgal, Sole Prop.
Shri Krishna Corporation .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

Mr S.G.Surana with C.N.Gole for petitioner
Mr.Milind More, AGP for respondent nos.1 and 2
Mr.A.Y.Bookwala, Sr.Counsel with Mr.G.D.Utangale for
respondent nos.3 to 5
Mr.S.M.Khaire for respondent no.6

CORAM : P.V.KAKADE, J.

DATE : 5TH DECEMBER, 2005

P.C.:

1. Heard the learned counsel for the petitioner as well as for the respondents.

2. Rule, rule made returnable forthwith by consent.

3. The Petitioner has challenged the order bearing No.SRA/ENG/366/FN/ML/LOI dated 8.8.2005 passed by Respondent no. 5 whereby the respondents issued directions to the effect that the appointment made by the Society M/s. Om Shakti SRA CHS Ltd. for

implementation of S.R.Scheme on plot bearing C.S.No.12(pt) of Sion Divn. came to be terminated and therefore, the rights granted to him for implementation of the S.R.Scheme through LOI dated 20.3.2001 and Intimation of approvals for rehabilitation building Nos.1 and 2 under Order dated 20.3.2001 and another order of the same date and Commencement Certificate for rehabilitation Building No.1 under order dated 7.4.2003 granted by SRA came to be terminated.

4. The Petitioner has challenged the Order on various grounds including the ground that he was not given proper opportunity by personal hearing though the show cause notice dated 26.5.2005 came to be issued. On perusal of the affidavits in reply filed on record by the respondents, it is seen that the thrust of the defence of the respondents is to the effect that the necessary implementation was not made by the petitioner within stipulated time, which prompted the concerned authorities to terminate his appointment. Be as it may, without going into merits both the parties have agreed that the Petitioner shall be given reasonable opportunity to challenge the order passed by the concerned authorities and would be given personal

hearing in the matter. In my consider view, if the personal hearing is given to the petitioner by the Respondent nos.3 to 5 the grievance sought to be agitated in the Petition would be meted with and under the circumstances the Petition can be disposed of on the basis of directions to that extent. Hence, it is hereby directed that the Petitioner shall file his reply along with documents, if any, to the Show Cause Notice dated 26.5.2005 to the Respondents within one week from the date of this order and there upon the Respondents concerned shall give reasonable personal hearing as per the rules to the petitioner and determine the application on merits within one week thereafter. In the meantime there shall be no further activities either from the newly appointed agency or from the Petitioner in respect of the orders issued earlier in this regard pertaining to the development. With this direction the Petition stands disposed of with no order as to costs. Rule stands discharged.

5. It is further clarified that all the issues involved in the petition are left open and the order passed in this regard pertaining status-quo with regard to the development activities by the new agency shall

stands continued for two weeks after the necessary order is passed and if it is adverse to the Petitioner. The Petitioner is directed to cooperate in the hearing and shall not seek any adjournment in the course of the hearing of the matter. If he fails to do so the respondents shall be at liberty to move this court according to law.

6. All concerned to act on a copy of this order duly authenticated